



U.S. Citizenship
and Immigration
Services

August 4, 2011

COW2011000640

Jason Smathers
MuckRock
185 Beacon Street Apt 3
Somerville, MA 02143

Dear Jason Smathers:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the United States Citizenship and Immigration Service (USCIS) dated July 23, 2011, and to your request for a waiver of all assessable FOIA fees. Your request was received in this office on July 23, 2011. Specifically, you requested all records mentioning Linda Christian.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, the Department processes FOIA requests according to their order of receipt. Although USCIS goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, USCIS will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

As it relates to your fee waiver request, I have reviewed your letter thoroughly and have determined that you have not presented a convincing argument that MuckRock is entitled to a blanket waiver of fees.

The DHS FOIA Regulations, 6 CFR § 5.11(k)(2), set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met. We will consider these factors in our evaluation of your request for a fee waiver:

- (1) Whether the subject of the requested records concerns "the operations or activities of the government;"
- (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;
- (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
- (4) Whether the contribution to public understanding of government operations or activities will be "significant;"
- (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and

(6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

As a requester, you bear the burden under the FOIA of showing that the fee waiver requirements have been met. Based on my review of your July 23, 2011 letter and for the reasons stated herein, I have determined that your fee waiver request is deficient. Your request does not adequately describe how any of the criteria above are met. Simply rephrasing the aforementioned factors as affirmative statements in your request does not provide this Department with enough information to grant your request for a waiver of fees. Since your request for a fee waiver has failed to satisfy each of the required factors, I am denying your fee waiver request.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to non-commercial requestors. As a non-commercial requestor you will be charged 10-cents a page for duplication, although the first 100 pages are free, as are the first two hours of search time, after which you will pay the per quarter-hour rate (\$4.00, \$7.00, \$10.25) of the searcher. [We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

In the event you wish to appeal this determination, you may write to the USCIS FOIA/PA Appeals Office, 150 Space Center Loop, Suite 500, Lee's Summit, MO 64064-2139, within 60 days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Your request has been assigned reference number **COW2011000640**. Please refer to this identifier in any future correspondence. If you have any questions, or would like to discuss this matter, please feel free to contact this office at FOIA, USCIS.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jill A. Eggleston", written in a cursive style.

Jill A. Eggleston
Director, FOIA Operations